

Remarks

Reconsideration of this Application is respectfully requested. Claims 59, 61-66, 68-73, 75-79, 81 and 83-88 are pending in the application, with claims 59, 66, 73, 81, and 83 being the independent claims. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 59, 61-66, 68-73, 75-79, 81, and 83

The Examiner has maintained the rejection of claims 59, 61-66, 68-73, 75-79, 81, and 83 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,956,683 to Jacobs et al. ("Jacobs") in view of U.S. Patent No. 5,929,748 to Odinak ("Odinak"). Applicants respectfully traverse.

Claim 59 recites, *inter alia*,

a high bandwidth communication channel configured to transmit data supporting audio or video output at the device, *and* *a low bandwidth communication channel* configured to transmit data supporting control signals for operation of a primary functionality component of the device.

As Applicants argued in the Amendment and Reply Under 37 C.F.R. § 1.111 filed February 9, 2011, Odinak concentrates on home control systems (with emphasis on home entertainment functions). Consistent with this approach, Odinak presents a control transmitter 30 of FIG. 2 and several components that *receive* control signals from the control transmitter *over a low-bandwidth channel*. These several components then *transmit* analog audio or video *over a high-bandwidth channel* in response to receiving the control signals.

Examples of the aforementioned Odinak component are VCR 16 of FIG. 4 and audio system 20 of FIG. 5. These components receive control signals over a low-bandwidth channel, and transmit analog audio or video over a high-bandwidth channel. Notably, there is no component taught or suggested by Odinak that has a transceiver “configured to *transmit* data to the device” via *both* “a high bandwidth communication channel” *and* “a low bandwidth communication channel,” as recited in claim 59.

The Office Action fails to address this argument. In the Response to Arguments section, the Examiner discusses the VCR of Odinak FIG. 4, agreeing that the figure “shows at least one embodiment where both the control *receiver* and the video *transmitter* are in the same device of a video cassette recorder.” (Office Action, p. 15) (emphasis added). This argument is not responsive to the pending claim language, which requires *transmission* over *both* channels.

As a result, Odinak fails to teach or suggest at least the selected features of claim 59. Moreover, Jacobs does not supply the missing teaching or suggestion. In particular, the Examiner agrees on page 4 of the Office Action that Jacobs does not teach or suggest the aforementioned features, and instead relies on Odinak to supply the missing teaching or suggestion.

Although the Examiner argues that Applicants are attacking the references individually (Office Action, p. 13), this approach is based on the Examiner’s own admission that Jacobs “omits disclosure of a low bandwidth communication channel for transmitting the control signals and a high bandwidth communication channel for transmitting audio or video output.” (Office Action, p. 4). The relevant teaching or suggestion would therefore *necessarily* have to be found in Odinak for the rejection to

find any merit. Applicants' directed attack on Odinak, separate from Jacobs, as failing to teach **transmission** over **both** channels, is a valid showing of nonobviousness given the Examiner's explicit indication that the teaching or suggestion is not found at all in Jacobs.

Applicants further argue that, given that Odinak fails to teach or suggest a transceiver "configured to **transmit** data to the device" via **both** "a high bandwidth communication channel" **and** "a low bandwidth communication channel," as recited in claim 59, it would additionally not be obvious to modify Odinak to provide this missing teaching or suggestion.¹ In particular, one of ordinary skill in the relevant art at the time of the Odinak disclosure would have found no reason to modify Odinak to provide functionality to **transmit** over **both** high- and low-bandwidth channels on a same device, absent the context of Applicants' disclosure (and hindsight application thereof).

Moreover, modifying Odinak to **transmit** over **both** high- and low-bandwidth channels on a same device fundamentally changes the principle of operation of Odinak. (see M.P.E.P. § 2143.01(VI)). The purpose of Odinak is to **transmit** high-bandwidth data (audio and video) responsive to **receiving** a communication over a low-bandwidth channel. In Odinak, the low-bandwidth channel is used specifically for **receiving** by any device capable of also **transmitting** high-bandwidth data. Devices that are capable of **transmitting** low-bandwidth data (e.g., control transmitter 30 of FIG. 2) do **not** transmit high-bandwidth data as well. As a result, Odinak does not even provide the framework

¹ Odinak states that "in practice any particular component is equipped with whatever transmitters and receivers are required to carry out the functions of the component." (Odinak, 5:23-27). Nevertheless, Odinak does not provide any sort of teaching or suggestion to **transmission** over **both** high- and low-bandwidth channels by a same device.

where a same device capable of *transmitting* over *both* high- and low-bandwidth channels could even be useful.

For at least the aforementioned reasons, claim 59, and similarly claims 66, 73, 81, and 83, are not rendered obvious by the combination of Jacobs and Odinak. Claims 61-65, 68-72, and 75-79 depend from claims 59, 66, and 73, respectively, and are likewise not rendered obvious by the combination of Jacobs and Odinak for at least the same reasons as claims 59, 66, and 73, and further in view of their own respective features.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 59, 61-66, 68-73, 75-79, 81, and 83 under 35 U.S.C. § 103(a).

Claims 84-88

The Examiner has maintained the rejection of claims 84-88 under 35 U.S.C. § 103(a) as allegedly being obvious over Jacobs in view of Odinak, further in view of U.S. Patent No. 5,946,658 to Miyazawa *et al.* ("Miyazawa"). Applicants respectfully traverse.

For the reasons noted above, claims 59, 66, 73, 81, and 83 are not rendered obvious by the combination of Jacobs and Odinak. Miyazawa does not provide the missing teaching or suggestion, nor does the Examiner rely on Miyazawa as allegedly supplying the missing teaching or suggestion. Accordingly, claims 59, 66, 73, 81, and 83 are not rendered obvious by the combination of Jacobs, Odinak, and Miyazawa. Claims 84, 85, 86, 87, and 88 depend from claims 59, 66, 73, 81, and 83, respectively, and are likewise not rendered obvious by the combination of Jacobs, Odinak, and Miyazawa for at least the same reasons as claims 59, 66, 73, 81, and 83, and further in view of their own respective features.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 84-88 under 35 U.S.C. § 103(a).

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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